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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 95**

**The Maternity and Adoption Leave (Curtailement of Statutory Rights to Leave) Regulations (Northern Ireland) 2015**

**PART 2**

**CURTAILMENT OF STATUTORY MATERNITY LEAVE**

**Entitlement to curtail statutory maternity leave**

5.—(1) M may bring forward the date on which her ordinary maternity leave period<sup>(1)</sup> or additional maternity leave period<sup>(2)</sup> ends by giving her employer a leave curtailment notice and either—

- (a) a notice of entitlement; or
- (b) a declaration of consent and entitlement.

(2) M must give her employer her leave curtailment notice at the same time as she gives her employer either a notice of entitlement or a declaration of consent and entitlement.

(3) If M has an entitlement to statutory maternity leave with more than one employer in relation to C, she must curtail her ordinary maternity leave period or additional maternity leave period in accordance with paragraphs (1) and (2) with each of those employers at the same time.

(4) M's obligation in paragraph (3) does not apply in relation to any employer with which she has returned to work on or before the date on which she gives notices in accordance with paragraphs (1) and (2).

**Leave curtailment notice**

6.—(1) A leave curtailment notice must be in writing and must state—

- (a) where M curtails her ordinary maternity leave period, the date on which M's ordinary maternity leave period is to end;
- (b) where M curtails her additional maternity leave period, the date on which M's statutory additional maternity leave period is to end.

(2) The date specified in the leave curtailment notice must be—

- (a) at least one day after the end of the compulsory maternity leave period;
- (b) at least eight weeks after the date on which M gave the leave curtailment notice to her employer; and
- (c) where M curtails her additional maternity leave period, at least one week before the last day of M's additional maternity leave period.

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(1) Ordinary maternity leave period is determined in accordance with Article 103(2) of the 1996 Order and S.R. 1999 No. 471.

(2) Additional maternity leave period is determined in accordance with Article 105(2) of the 1996 Order and S.R. 1999 No. 471.

(3) In paragraph (2) “the end of the compulsory maternity leave period” means whichever is the later of—

- (a) the last day of the compulsory maternity leave period provided for in regulations under Article 104(2) of the 1996 Order; or
- (b) where section 85 of the Factories Act (Northern Ireland) 1965(3) (women not to be employed in factories within four weeks after birth of child) applies to M’s employment, the last day of the period in which an occupier of a factory is prohibited from knowingly allowing M to be employed in that factory.

### **Effect of the leave curtailment notice**

7.—(1) Where M has brought forward the date on which her ordinary maternity leave period or additional maternity leave period ends in accordance with regulation 5, her statutory maternity leave period will end on the leave curtailment date.

(2) In this regulation “statutory maternity leave period” means the period during which M is on statutory maternity leave.

### **Revocation**

8.—(1) M may revoke a leave curtailment notice by giving a revocation notice if—

- (a) neither M nor P are entitled to shared parental leave or statutory shared parental pay;
- (b) M served her leave curtailment notice before the birth of C; or
- (c) P dies.

(2) A revocation notice must be given to M’s employer before the leave curtailment date and—

- (a) if given in accordance with paragraph (1)(a), within 8 weeks of the date on which M gave her leave curtailment notice to her employer in accordance with regulation 5(1);
- (b) if given in accordance with paragraph (1)(b), within six weeks of the date of C’s birth; or
- (c) if given in accordance with paragraph (1)(c), within a reasonable time of the date of P’s death.

(3) A revocation notice must—

- (a) be in writing;
- (b) state that M revokes her leave curtailment notice; and
- (c) if given in accordance with paragraph (1)(c), must state the date of P’s death.

(4) If M has given a leave curtailment notice to more than one employer, she must give revocation notices to each of those employers.

(5) The obligation in paragraph (4) does not apply to any employer with which M has returned to work on or before the date on which she gives the revocation notice.

(6) M may not give her employer a leave curtailment notice subsequent to giving a revocation notice unless the revocation was made in accordance with paragraph (1)(b).